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Docket No.: DAMADIAN 3.0-133
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Letters Patent of: :
Ginzburg et al. :
 :
Patent No.: 6,817,866 :
 :
Issued: November 16, 2004 :
 :
For: MOBILE MRI SYSTEM AND METHOD OF :
PROMOTING USE OF MRI SYSTEM :

**PETITION FOR RECONSIDERATION
UNDER 37 C.F.R. §1.387(e)**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir/Madam:

08/03/2009 MGEDREN1 00000015 09717382

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400.00 OP

The present communication is a renewed petition under 37 C.F.R. §1.378(e) requesting reconsideration of the previously submitted petition to accept the unintentionally delayed payment of a maintenance fee under 35 U.S.C. §419(c) and 37 C.F.R. §1.378(c). Enclosed is a copy of the Decision on Petition dated June 4, 2009. The 6/4/09 Decision stated that the Petition did not comply with 37 C.F.R. 3.73(b). Accordingly, a Statement Under 37 C.F.R. §3.73(b) establishing ownership of the property is enclosed herewith.

Enclosed please find a check in the amount of \$400 for the petition fee as set forth in 37 C.F.R. § 1.17(h). It is noted that the maintenance fee and surcharge were submitted in petitioner's previous petition. It is believed that all requirements have been met to establish the unintentionally delayed payment of the maintenance fee. It is respectfully requested that the petition be granted, the maintenance fee be accepted, and the status of the patent be restored to active.

Dated: *July 29, 2009*

Respectfully submitted,

By *Anthony Giambalvo*
Dr. Anthony Giambalvo
Senior Vice President
Fonar Corporation



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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OFFICE OF PETITIONS

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|-----------------------------|---|-------------|
| Patent No. 6,817,866 | : | |
| Application No. 09/717,382 | : | |
| Filed: November 22, 2000 | : | ON PETITION |
| Issued: November 16, 2004 | : | |
| Attorney Docket No. FONPT06 | : | |

This is a decision on the petition under 37 CFR 1.378(c), filed March 9, 2009, to accept the unintentionally delayed payment of a maintenance fee for the above-identified patent.

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration under 37 CFR 1.378(e) must be filed within TWO (2) MONTHS from the mail date of this decision. No extension of this two-month time limit can be granted under 37 CFR 1.136(a) or (b). This is **not** final agency action within the meaning of 5 U.S.C. § 704.

A petition to accept the unintentionally delayed payment of a maintenance fee under 35 U.S.C. § 41(c) and 37 CFR 1.378(c) must be accompanied by: (1) a statement that the delay was unintentional; (2) payment of the appropriate maintenance fee, unless previously submitted; (3) payment of the surcharge set forth in 37 CFR 1.20(i)(2). This petition lacks none of the above-listed items.

However, it appears the instant petition is on the behalf of the assignee and therefore does not comply with 37 CFR 3.73(b). 37 CFR 3.73(b) provides that: (1) when an assignee seeks to take action in a matter before the Office, the assignee must establish its ownership of the property to the satisfaction of the Commissioner; (2) ownership is established by submitting to the Office, in the Office file related to the matter in which action is sought to be taken, documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment submitted for recording) or by specifying (e.g., reel and frame number) where such evidence is recorded in the Office; (3) the submission establishing ownership must be signed by a party authorized to act on behalf of the assignee; and (4) documents submitted to establish ownership may be required to be recorded as a condition to permitting the assignee to take action in a matter pending before the Office. A 37 CFR 3.73(b) statement is enclosed.

Any petition for reconsideration of this decision must be accompanied by the petition fee of \$400.00 as set forth in 37 CFR 1.17(h). The petition for reconsideration must include the lacking item(s) noted above, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Commissioner.

Petitioner should note that if this petition is not renewed, or if renewed and not granted, then the maintenance fees and post expiration surcharge are refundable. Petitioner may request a refund of the fees submitted on March 10, 2009. Please send all requests for refunds to the following address:

Mail Stop 16
Director of the US Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

A copy of this decision should accompany petitioner's request.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Window located at:
U.S. Patent and Trademark Office
Customer Service Window Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to the undersigned at (571) 272-3206.



Liana Walsh
Petitions Examiner
Office of Petitions

Enclosure: Statement under 37 CFR 3.73(b)

cc: ANTHONY GIAMBALVO
FONAR CORPORATION
110 MARCUS DRIVE
MELVILLE, NY 11747-4292

**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: Fonar Corporation

Application No./Patent

No./Control No.:

6,817,866

Filed/Issue Date:

November 16, 2004Entitled: MOBILE MRI SYSTEM AND METHOD OF PROMOTING USE OF MRI SYSTEMFonar Corporation

(Name of Assignee)

, a

Corporation

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.

(The extent (by percentage) of its ownership interest is _____ %)

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 011808, Frame 0914, or a true copy of the original assignment is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Anthony Giambalvo
SignatureJuly 29, 2009
DateAnthony Giambalvo
Printed or Typed Name(631) 694-2929
Telephone NumberSenior Vice President
Title